

REMARKS

This paper follows a non-final Office Action rejecting all pending claims of the application, i.e. claims 1-48. With this paper, independent claims 1, 11, 12, 13, 21, 24, 30, 33, 38 and 48 are amended, and claims 43-47 are canceled so that claims 1-42 and 48 remain in the application.

Independent claims 1, 11, 12, 13, 21, 24, 30, 33, 38 and 48 have been amended to include the features of canceled claims 43-47. No new matter has been introduced by way of amendment.

The independent claims are amended to recite "wherein the media characteristics of the multimedia message comprise at least one of the following: a number of frames, a frame rate of visual content, or a sampling rate of audio content."

One advantage of the claimed invention is that it provides a mechanism by which a messaging server can determine whether transcoding is needed for a multimedia message intended for a receiving terminal without having to open and examine each media component of the multimedia message. This reduces processing complexity for the messaging and transcoding servers, and also provides a decision as to whether transcoding is necessary in less time than would be possible if the multimedia message had to be opened and examined in its entirety. Furthermore, the claimed invention saves analysis, i.e. it reduces the number of analysis steps involved in determining whether or not the multimedia message requires transcoding.

Rejections under 35 USC §102

At sections 4-5 of the Office Action, claims 1-48 are rejected under 35 USC §102(e) as being anticipated by U.S. Pat. No. 7,133,925 to Mukherjee et al. (hereinafter Mukherjee). Of these, claims 1, 11, 12, 13, 21, 24, 30, 33, 38 and 48 are independent.

To the extent that the anticipation rejection might be applied to the claims, as amended, it is respectfully traversed for the following reasons:

As amended, the claimed invention recites that the media characteristics of the multimedia message comprise at least one of the following: a number of frames, a frame

rate of visual content, or a sampling rate of audio content. These features were originally recited in claims 43-47, now canceled. The Office also rejected claims 43-47 as being anticipated by Mukherjee, but claims 43-47 originally recited “wherein the media characteristics of the multimedia message comprise at least one of the following: *image or video resolution*, number of frames, frame rate of visual content, sampling rate of audio content.” As asserted by the Office, at col. 5, lines 35-40 Mukherjee discloses that the multimedia message comprises *image or video resolution*:

The first portion 10 corresponds at least to non-media type specific scalability attributes. Non-media type specific scalability attributes, in general, include attributes common to all media types. For instance, non-media type specific scalability attributes can include but are not limited to size (corresponding to the size of the bit-stream), display resolution (required to display the content obtained from the bit-stream), SNR (a measure of fidelity of the content obtained from the bit-stream to the uncompressed version), and processing power (required to experience the media). In one embodiment, each attribute is associated with an n-byte code that uniquely identifies the attribute. Reserved codes can be used for standardized attributes that have universal meaning across media types, and other bytes can be set aside for future attribute type codes. [Emphasis added]

Applicant respectfully submits that while image or video resolution is disclosed, none of the other amended recited features of the independent claims are disclosed or suggested in Mukherjee, namely “a number of frames, a frame rate of visual content, or a sampling rate of audio content.”

Furthermore, the term “non-media type specific scalability attributes” of Mukherjee is not a term-of-art that is known in the prior art. According to Mukherjee, these attributes relate to attributes common to all media types. Contrary to the disclosure of Mukherjee, the media characteristics as claimed and amended herein are very specific to *certain media content*, i.e., e.g., number of frames and frame rate of visual content only related to video content. Such media characteristics have no meaning with regard to images or audio; likewise, “sampling rate of audio content,” as claimed, only relates to audio. As such, in contrast to Mukherjee, the claimed media characteristics are not “common to all media types” and are distinguishable over “non-media type specific scalability attributes.”

Moreover, Mukherjee discloses that “size” corresponds to “the size of the bit-stream.” Applicant submits that the “size of the bit-stream” is different than the “number of frames,” as claimed. In video coding, the compression of video frames results in non-

constant sizes of bit-streams (i.e., each frame has a different compressed bitstream size). The “number of frames” and the “size of the bit-stream” are not related to one another. Therefore, even though the “number of frames” and the “size of the bit-stream” would be both considered during a subsequent transcoding operation, their use case scenarios and effects will be different. For example, if the size of the video is too large for the capabilities of a receiving device, the transcoding element may truncate certain video frames of the total number of frames.

Thus, for all the foregoing reasons, applicant submits that independent claims 1, 11, 12, 13, 21, 24, 30, 33, 38 and 48, as amended, are distinguishable over Mukherjee. Accordingly, applicant respectfully requests that the rejection of claims 1, 11, 12, 13, 21, 24, 30, 33, 38 and 48 under 35 USC §102(e) be reconsidered and withdrawn.

Claims 2-10, 14-20, 22-23, 25-29, 31-32, 34-37 and 39-42 are ultimately dependent upon claims 1, 11, 12, 13, 21, 24, 30, 33 and 38 and recite additional features not recited in claims 1, 11, 12, 13, 21, 24, 30, 33 and 38. For at least the reasoning above with regard to claims 1, 11, 12, 13, 21, 24, 30, 33 and 38 and also in view of their dependencies, applicant asserts that claims 2-10, 14-20, 22-23, 25-29, 31-32, 34-37 and 39-42 are also distinguishable over Mukherjee. Accordingly, applicant respectfully requests that that the rejection of claims 2-10, 14-20, 22-23, 25-29, 31-32, 34-37 and 39-42 under 35 USC §102(e) be reconsidered and withdrawn.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's agent urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,



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